

INSTRUCTIONS FOR FCC 381**DIGITAL CHANNEL ELECTION
FOR TELEVISION BROADCAST STATION:
PRE-ELECTION CERTIFICATION FORM****GENERAL INSTRUCTIONS**

- A. This FCC Form 381 is to be used by full power TV broadcast licensees and permittees (hereinafter referred to collectively as “licensees”) participating in the DTV channel election process in order to provide and certify the technical information that will be used to evaluate elections made during the channel election process. A separate form should be filed for every full power TV broadcast station either licensed or with a construction permit. Licensees make these certifications regarding database accuracy and intent to replicate/maximize to provide certainty with respect to their technical data for consideration by others participating in the channel election process. No fee is required for submission of this form.
- B. This FCC Form must be filed by **[insert date – 30 days from publication of Second DTV Periodic Report and Order in Federal Register.]** All TV broadcast licensees participating in the digital channel election process may make the following certifications. Licensees that do not submit this FCC Form by the deadline will be presumed (1) to agree that their database technical information on file with the Commission is accurate and complete, and (2) not to intend to replicate or maximize, and such decision will be taken into account in the Commission’s determination of final channel assignments.
- C. This form makes references to FCC rules. Licensees should have on hand and be familiar with current broadcast rules in Title 47 of the Code of Federal Regulations (C.F.R.) Part 73 “Television Broadcast Services”.
- FCC Rules may be purchased from the Government Printing Office. Current prices may be obtained from the GPO Customer Service Desk at (202) 512-1803. For payment by credit card, call (202) 512-1800, M-F, 8 a.m. to 4 p.m. e.s.t; facsimile orders may be placed by dialing (202) 518-2233, 24 hours a day. Payment by check may be made to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954.
- D. The licensee must ensure that the Facility ID Number, Call Sign, and the Channel information are accurate.
- E. This form must be filed electronically through the Media Bureau’s Consolidated Database System (CDBS) online

electronic forms system. Instructions for use of the electronic filing system are available in the CDBS User’s Guide, which can be accessed from the electronic filing web site at: <http://www.fcc.gov/mb/elecfile.html>. For assistance with electronic filing, call the Video Services Division Help Desk at 418-2662.

- F. The licensee must sign the form. Depending on the nature of the licensee, the form should be signed as follows: if a sole proprietorship, personally; if a partnership, by a general partner; if a corporation, by an officer; for an unincorporated association, by a member who is an officer; if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction. Counsel may sign the form for his or her client, but only in cases of the licensee’s disability or absence from the United States. *See* 47 C.F.R. § 73.3513. Because the form is filed electronically, the signature will consist of the electronic equivalent of the typed name of the individual. *See* Report and Order in MM Docket No. 98-43, 13 FCC Rcd 23056, 23064 (1998).
- G. The licensee should provide all information requested by this form. Defective or incomplete forms will not be accepted. Inadvertently accepted forms are also subject to dismissal. *See* 47 C.F.R. § 73.3564(b).

**INSTRUCTIONS FOR SECTION I:
GENERAL INFORMATION****Licensee/Permittee Information.**

1. **Item 1: Licensee or Permittee Name.** The name of the licensee or permittee must be stated exactly in Item 1. If the licensee is a corporation, the exact corporate name; if a partnership, the name under which the partnership does business; if an unincorporated association, the name of an executive officer, his/her office, and the name of the association; and, if an individual applicant, the person’s full legal name.

Licensees should use only those state abbreviations approved by the U.S. Postal Service.

Station/Facility Information.

2. **Item 2: FCC Registration Number (FRN).** To comply with the Debt Collection Improvement Act of 1996, the licensee must enter its FRN number, a ten-digit unique

entity identifier for anyone doing business with the Commission. The FRN can be obtained through the FCC webpage at <http://www.fcc.gov> or by manually submitting FCC Form 160. FCC Form 160 is available for downloading from <http://www.fcc.gov/formpage.html> or by calling 1-800-418-3676. Questions concerning the FCC Registration Number can be directed to the Commission's Registration System help desk at <http://www.CORES@fcc.gov> or by calling 1-877-480-3201.

Call Sign. Licensee must enter the current call sign for its NTSC (analog) station or, if the licensee does not have an NTSC station, for its DTV (digital) station.

Facility ID Number. TV Facility ID Numbers can be obtained at the FCC's Internet Website at www.fcc.gov/mb. Once at this website, scroll down and select CDBS Public Access. You can obtain your TV Facility ID Number by calling: (202) 418-1600. Further, the Facility ID Number is now included on all TV authorizations and postcards. In addition, provide the name of the community of license and the state where the station is providing service.

Community of License. Licensee must provide the City and State for its station's community of license.

3. **Item 3: Currently Assigned Channels (Digital and Analog).** For "3.a.," stations must indicate the number of their currently assigned DTV channel. For "3.b.," stations must indicate the number of their currently assigned NTSC (analog) channel. Single channel broadcasters should indicate "Not Applicable," where appropriate.

Contact Information.

4. **Item 4: Contact Representative.** If the licensee is represented by a third party (for example, legal counsel), that person's name, firm or company, mailing address and telephone/electronic mail address may be specified here.

Purpose of Form.

5. **Item 5: Purpose of filing.** Licensees filing their pre-election certification form must select "5.a." Licensees filing an amendment to their existing pre-election certification form must select "5.b." This FCC Form, whether as a certification or amendment, will not be accepted after the filing deadline.

INSTRUCTIONS FOR SECTION II: CERTIFICATIONS

Replication/Maximization Deadlines.

Licensees should be aware of the replication/maximization deadlines that pertain to current DTV facilities and which

affect the right to "carry over" interference protection to their post-transition channel for DTV operation.

Replication/Maximization Certification.

By completing the appropriate certification in this section, the licensee may certify its intent to construct and operate its allotted "replication" facilities or already-authorized "maximization" facilities on its post-transition channel.

Licensees are reminded that false certifications may result in fines and loss of license. Additionally, a licensee's failure to replicate or maximize to the extent it certifies will result in the loss of interference protection to those service areas not replicated or maximized.

1. **Item 1: Replication/Maximization Certification.** Licensees must select one of five options to indicate how their channel elections should be evaluated for purposes of interference protection analysis.
 - a. *Use of maximized facilities as authorized.* A licensee certifying to operate its post-transition DTV station at maximized facilities as authorized by license or construction permit must select "a.," and provide the relevant FCC File No. where indicated. Stations with more than one maximized facility authorization must identify the authorization FCC File No. to be used. (Stations must refer to their DTV facility and not their NTSC facility.)
 - b. *Use of pending DTV application for maximized facilities.* A licensee certifying to operate its post-transition DTV station pursuant to a pending DTV application for maximized facilities that has not been authorized because of a pending international coordination issue must select "b.," and provide the relevant FCC File No. where indicated. Licensee's certification is subject to the outcome of the international coordination.
 - c. *Use of allotted replication facilities.* A licensee certifying to operate its post-transition DTV station based on its allotted replication facilities must select "c." Stations that have not changed their DTV channel since the *DTV Second MO&O*, 14 FCC Rcd 1348 (1998), will have their replication facilities based on the facilities established in Appendix B of the *DTV Second MO&O*. Stations that have changed their DTV channel since the *DTV Second MO&O* will have their replication facilities based on the facilities established by the relevant Report and Order for that station.
 - d. *NTSC single channel stations.* A licensee certifying that it does not have a DTV channel allotment and that it will operate its post-transition DTV station based on authorized NTSC license or construction permit must select "d.," and provide the relevant FCC File No. where indicated. (This certification is only appropriate for NTSC single station

licensees, and is not appropriate for any station with a DTV channel allotment.)

- e. *No replication or maximization.* A licensee certifying that it will neither replicate nor maximize must select “e.” (This certification is appropriate for licensees not certifying to a-d., above.) The licensee must indicate its authorized DTV facilities for which it will operate its post-transition DTV station, and provide the relevant FCC File No. where indicated. Stations must identify the authorization FCC File No. to be used. (Stations must refer to their DTV facility and not their NTSC facility.)

Database Certification.

2. **Item 2: Database Certification.** The licensee must certify that it has reviewed its database information on file with the Commission and that its technical information is accurate and complete, to the best of its knowledge. If the licensee answers “no,” it must submit an explanation, including appropriate engineering data, as an Exhibit to this form.

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

The FCC is authorized under the Communications Act of 1934, as amended, to collect the personal information we request in this form. We will use the information provided in the form to determine the ultimate channel to be awarded for post-transition DTV operation. If we believe there may be a violation or potential violation of a FCC statute, regulation, rule or order, your form may be referred to the Federal, state or local agency responsible for investigating, prosecuting, enforcing or implementing the statute, rule, regulation or order. In certain cases, the information in your form may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; (b) any employee of the FCC; or (c) the United States Government is a party to a proceeding before the body or has an interest in the proceeding. In addition, all information provided in this form will be available for public inspection.

If you owe a past due debt to the federal government, any information you provide may also be disclosed to the Department of Treasury Financial Management Service, other federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you file an incomplete form, the form may be returned without action having been taken upon it. Your response is required to make the pre-election process certifications.

We have estimated that it will take respondents on average 2 hours to complete this collection of information. Our estimate

includes the time to read the instructions, look through existing records, gather and maintain the required data, and actually complete and review the form or response. If you have any comments on this estimate, or on how we can improve the collection and reduce the burden it causes you, please write the Federal Communications Commission, AMD-PERM, Paperwork Reduction Project (3060-####), Washington, DC 20554. We will also accept your comments via the Internet if you send them to Leslie.Smith@fcc.gov. Please DO NOT SEND COMPLETED FORMS TO THIS ADDRESS. Remember - you are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-####.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, P.L. 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3), AND THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. 3507.

FCC 381

PRE-ELECTION CERTIFICATION FORM

Must Be Filed by [DATE]

**PLEASE READ INSTRUCTIONS BEFORE
COMPLETING THIS FORM**

FOR
FCC
USE
ONLY

FOR COMMISSION USE ONLY
FILE NO.

SECTION I - GENERAL INFORMATION

Licensee/Permittee Information

1. Legal Name of the Licensee/Permittee		
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Station/Facility Information

2. FCC Registration Number		
Call Sign	Facility ID Number	
Community of License: City	State	

3. Currently Assigned Channels:

- a. DTV Channel Not Applicable
- b. NTSC Channel Not Applicable

Contact Information (if different from licensee/permittee)

4. Contact Representative		Firm or Company Name
Mailing Address		
City	State or Country (if foreign address)	ZIP Code
Telephone Number (include area code)	E-Mail Address (if available)	

Purpose of Form:

5. The purpose of this Pre-Election Certification Form is for licensees/permittees to provide and certify the technical information that will be used to evaluate elections made during the channel election process. Licensees/permittees make these certifications regarding database accuracy and intent to replicate/maximize to provide certainty with respect to their technical data for consideration by others participating in the channel election process. **(SELECT ONE)**

- a. Certification b. Amendment

SECTION II - CERTIFICATIONS

All broadcast licensees and permittees participating in the digital channel election process may make the following certifications. Licensees/permittees that do not submit this form by the deadline on page one will be presumed (1) to agree that their database technical information on file with the Commission is accurate and complete; and (2) not to intend to replicate or maximize, and such decision will be taken into account in the Commission's determination of final channel assignments.

Replication/Maximization Deadlines

By completing the appropriate certification below, licensee/permittee may certify its intent to construct and operate its allotted "replication" facilities or already-authorized "maximization" facilities on its post-transition channel. Licensees/permittees are reminded that false certifications may result in fines and loss of license. Additionally, licensee's/permittee's failure to replicate or maximize to the extent it certifies will result in the loss of interference protection to those service areas not replicated or maximized.

Licensee/permittee should also be aware of the following replication and maximization deadlines that pertain to current DTV facilities and that affect the right to "carry over" interference protection to its post-transition channel. (Failure to meet the replication/maximization requirements will cause the licensee/permittee to lose interference protection to the unused portion of the associated area as of the applicable interference protection deadline. Furthermore, a licensee/permittee failing to meet these deadlines will lose the ability to "carry over" its interference protection to its unserved DTV service area on its post-transition channel.):

- o **July 1, 2005** -- Deadline for DTV licensees affiliated with the top-four networks (*i.e.*, ABC, CBS, Fox, and NBC) in markets 1-100. Those licensees that receive a tentative DTV channel designation in the channel election process on their current digital channel must construct full, authorized facilities. Those licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at least 100 percent of the number of viewers served by the 1997 facility on which their replication coverage was based. The number of viewers served by a station's 1997 facility on which its replication is based will be determined using population data from the year 2000 census.

- o **July 1, 2006** -- Deadline for all other commercial DTV licensees as well as noncommercial DTV licensees. Those licensees that receive a tentative DTV channel designation in the channel election process on their current digital channel must construct full, authorized DTV facilities. Those licensees that receive a tentative DTV channel designation on a channel that is not their current DTV channel must serve at least 80 percent of the number of viewers served by the 1997 facility on which their replication coverage was based. The number of viewers served by a station's 1997 facility on which its replication is based will be determined using population data from the year 2000 census.

1. Replication/Maximization Certifications

Licensees/permittees must indicate how their channel elections should be evaluated for purposes of interference protection analysis. **(SELECT ONE)**:

- a. Licensee/permittee hereby certifies that it will operate its post-transition DTV station at **maximized facilities, as authorized** by license or construction permit, FCC File No.

(Licensee/permittee must provide FCC File No. here.)

- b. Licensee/permittee hereby certifies that it will operate its post-transition DTV station pursuant to a pending DTV application for **maximization facilities that has not been authorized** because of a pending international coordination issue.

(Licensee/permittee must provide FCC File No. here.)

- c. Licensee/permittee hereby certifies that it will operate its post-transition DTV station based on its allotted **replication facilities**.

- d. Licensee/permittee hereby certifies that it **does not have a DTV channel allotment**, and will operate its post-transition DTV station based on its currently authorized NTSC license or construction permit, FCC File No.

(Licensee/permittee must provide FCC File No. here.)

- e. Licensee/permittee hereby certifies that it will **neither replicate nor maximize**, and will operate its post-transition DTV station pursuant to the following authorized DTV facilities: **(SELECT ONE)**

- i. License, FCC File No.

(Licensee must provide FCC File No. here.)

- ii. Construction Permit, FCC File No.

(Licensee/permittee must provide FCC File No. here.)

- iii. STA, FCC File No.

2. Database Certification

Licensee/permittee hereby certifies that it has reviewed its database information on file with the Commission and that its technical information is accurate and complete, to the best of its knowledge.

YES NO

If no, licensee/permittee must attach an explanation, including appropriate engineering data, as an Exhibit to this form.

Exhibit No.

I certify that the statements and certifications in this form are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Typed or Printed Name of Person Signing	Typed or Printed Title of Person Signing
Signature	Date